19

Department of Land Revenue

OFFICE Board of Revenue

STATION Madras

Mis No. 3744

Dated 17-12-32

A 27 25/32

To whom sent		Date	Initial
	Given for copying		
	Copied		
	Examined	19/12	
	Signed		
	Given for despatch		
	Despatched		
Pages in the file	Indexed		
	To be destroyed on*		

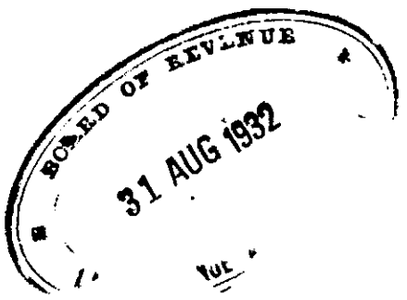
(SUBJECT.)

Village officers - (Sreelli Kanara) - Mangalore
in Kasba Bazaar ge Panchayat Court - Asst
Karnam - Removal - A. Sankaranarayanan
Roo - Appeal (orders passed)

* Not to be filled in in the case of permanent records.

R.P. 56/A27/35

The Hon'ble the Board of Revenue,



M a d r a s.

The appeal petition presented by A. Shankernarayana Rao, Asst.Karnam attached to the Kasba Bazaar village Panchayat Court, Mangalore.

D/- 29th August 1932.

Respected Sirs,

pp 15-17 cf

Being very much aggrieved by the order of the Collector of S.Kanara Ref.No.B 3- 5880-32 D/- 19-8-1932 communicated to me by the Tahasildar of Mangalore Taluk in his R.O.C.B 6 -14063 -32 d/- 24-8-1932 (enclosed) summarily removing me from the post of the Assistant Karnam of the village Panchayat Court I beg to submit this Appeal on the following among other grounds:-

p r c l

1. That I count a service of nearly 30 years as a Karnam and I have been a permanent Assistant Karnam for the last 23 years in the Kasba Bazaar Panchayat Court for doing scriptors work of the Court and my appointment is governed by the Madras Heriditary Village Officers Act III of 1895.

2. That during this long period of service, I have not given any room to find fault with my work or conduct and there were no complaints of

of any kind against me up to this.

3. That in the present case the Collector has, while dissolving the entire Kasba Bazaar Village Panchayat Court on account of factions in the Court, ordered my removal also from the Assistant Karnamshi

4. That no charges were framed against me to my knowledge and no opportunity was given to me to rebu them.

5. That therefore the order removing me from service is illegal and ultra vires.

In these circumstances I pray that the Hon'ble the Board of Revenue may be graciously pleased to call for the records of the enquiry and on a perusal of the same direct that justice may be done by re-instating me in the Karnam's post. In the meantime, I also pray that pending disposal of this appeal, the Board may be pleased to hold the order of the remova in suspense.

For which act of justice and mercy, I shall ever feel grateful.

I beg to remain,

Respected Sirs,

Your most obedient servant.

A Shanmukha Rao

Enclosure.One.

Subject. R. F. XXII-A-19--30.004 2-2-31 (6)

FOR EMBER. Village officers - (South Kanara) - Mangalor Tlc - ~~Asst Karnam~~ Kasba Bagoar Vge - Asst-Karnam - Removal - A. Shanker narayanaRao - First appeal -

READ AGAIN B. P. No. _____ ,dated_____ 193

" " " _____ , " _____ 193

READ ALSO :--

Register No. _____. From the A.2735/32 /P/No1-3 cf, dated Q _____ 193

" " South Kanara Collector's Ref B"3."5880.32 Dt 19/8/32 } 1.5 cf Q to Collector " ~~only~~ 193

" " _____, " " _____ " " _____, " _____ 193.

RESOLUTION. Refee No. A 2735/32/1, dated Q 2-9-1932

DESP. T... 3 SEP 1932

The stay applied for is refused

2). Forwarded to the Collector of South Kanara for submission of the record with any remarks which he considers necessary regard ~~to~~ allegations in the petition which are not clearly dealt with in the records.

3) The appellant is directed to submit before 5-10-32 an attenticated copy of the order of the Collector appealed against

~~passing which no action will be taken on his petition~~

K.S.
2/9/20

2. S. J.

I. Shri

To
The appellant
M. Rly

A. Shanker Narayana Rao
Asst. Karnam attached
to Kasba-Bagaar
Panchayat Court
Mangalore
S. Kanara Dt

paras 1 & 3 only

To
The Collector of South Kanara with the petition in original (to be returned with reply)

Ⓑ pp 1. 6 Cts.

paras 1 & 2 only

9

RP 69
es

A 31

In the Court of the Hon'ble Members of the
Board of Revenue at Madras.

Appeal petition presented by A. Shankernarain Rau, lately Assistant Karnam, attached to the Mangalore Kasba Bazaar Panchayat Court against the order of dismissal passed against him by the Collector of South Kanara on 19- 8- 1932 in Ref. No. B 3 - 5880 32 and annexed hereto.

pp 15-17 cf

The appellant above-named being highly aggrieved by the order passed against him by the learned Collector of South Kanara and quoted above and having been supplied by a certified copy of the full text of the order only on 17- 9- 1932, most humbly begs to present this regular appeal petition against the said order on the following among other grounds:-

pp 15-17 cf

pp 1-3 cf

The appellant had preferred an earlier petition to this Board on 29- 8- 1932 with a view to obtain an early stay of the said order; but as the learned Collector had not then supplied him with a full text of his order, or made him aware of the charges against him, but had merely issued a cryptic notice informing him of his dismissal, this appellant could not possibly traverse all his grounds of appeal in the earlier petition dated 29- 8- 1932. The appellant is, therefore, constrained to present this regular appeal against the said order on the grounds set forth hereunder :-

p 5 cf

1. The order of the learned Collector dismissing

the appellant is against law and equity: it is based on a very summary enquiry and report made by the Tahsildar of Mangalore on the basis of the notoriously interested evidence got up by one dismissed President of the Mangalore Kasba Bazar Panchayat Court and one Anantha Kamthi a dismissed Mutalik (Vakil) of the said Court.

2. The learned Collector having rightly held that there are two factions among the members constituting the said Court and he having dismissed them all the Collector ought, in fairness to the appellant, to have entirely discredited the allegations made against the appellant by a few dismissed members of the said Court including the President with the ulterior motives, more fully explained herebelow.

3. The learned Collector ought to have held that the appellant was the innocent victim of a conspiracy against him by the dismissed President of the Panchayat Court and a few members of his faction and the aforesaid Anantha Kamthi, a dismissed Mutalik of the said Court. The learned Collector has not for a moment paused to consider as to why not one of these dismissed members has had the moral courage to step into the witness-box to depose against the appellant and as to why the ~~only~~ members (about 5) who have come forward to give evidence in the said enquiry have testified unstintingly to the appellant's high sense of honesty and diligence in the discharge of his duties.

4. The only piece of so-called evidence against the appellant are:- (1) a petition by seven of the dismissed members of the Panchayat Court (including the President) and (2) a petition signed by a few persons of

the Gowd Saraswat community (a rival community to the Applt. who is a Dravida Brahmin) complaining that years ago, the appellant had received from them an illegal gratification of one anna and two annas. The learned Collect has failed to see through the sinister motive behind both these petitions, first of which was got up by the President and the dismissed members of his party as a counter-blast to the appellant's earlier petition to the Deputy Collector dated 13- 6- 1932 complaining of the high-handed actions of the President and the increasing irregularities in the said Panchayat Court. The other petition by a few Gowda Saraswats and referre to above was got up at the instigation of the President and the said Anantha Kamthi, both of whom were Gowda Saraswats. Apart from the fact that the allegations made in the said petition were transparently false and malicious, the signatories to that petition have themselves admitted that they are acting at the instigation of the aforesaid persons, a fact which could be verified from the record Under the circumstance the sudden and hasty conclusions arrived at by the learned Collector on the basis of this scrappy, concoc ed and notoriously interested evidence has resulted in serious miscarriage of justice. It is most humbly an earnestly prayed that the Hon'ble members of the Board will be graciously pleased to remedy the aforesaid injustice done to him by the Collector of South Kanara in the sudden heat of the moment without even doing so much as framing a charge against him as required by departmental rules.

bbl-3 of Trans latters in (4)

5. The appellant also begs to place the following facts which might be necessary for a proper understanding of the grave injustice done to him by the Collector:-

(a) The President of the Panchayat Court who

has been recently dismissed by the Collector under Section 8 of the Village Courts Act for misconduct etc., has been from a long time hi bitter enemy, for the simple reason that the appellant had sternly refused on more than on occasion to be a party to the President's dishonest ways in dealing with litigants and their plaints and petitions and atleast was even compelled to report about the dishonest and high-handed methods of the President to the Deputy Collector of South Kanara on 13- 6- 1932.

(b) That Anantha Kamthi referred to above was till recently coming as a Mutalik or (Vakil) to plead before the Panchayat Court. He is a person of irresponsible and dangerous character. He was in the habit of creating a row in the Court and in about May last, he abused and insulted the appellant, in open Court, whereupon the appellant file dated 20-5-1932. a petition to the President praying that necessary action might be taken against the said Anantha Kamthi for his misbehaviour towards him. As the President who was a partisan of the said Anantha Kamthi did not interfere, appellant filed a petition to the Deputy Collector dated 13- 6- 1932 stating all the facts regarding the said Anantha Kamthi's conduct and further alleging that the President was encouraging dishonesty and irregularities in the conduct of Court work and that it was very hard for an honest man to do his duty with such a President. The petition further prays that the Deputy Collector might be pleased to take action against the said Anantha Kamthi for his mi behaviour towards him in open Court and further states how the said Anantha Kamthi with a view to

wreak vengeance against him was going about in the town to get some signatories from the public for the purpose of filing a petition against the appellant. As a result of the appellant's petition aforesaid, the said Anantha Kamthi was debarred by the Collector from practising in the Panchayat Court. These facts will go to show how the present petition against the appellant was really the result of a conspiracy and not at all true or bonafide.

6. The learned Collector having rightly held that the President of the Panchayat Court ought to be dismissed and he having accordingly dismissed him, the learned Collector ought to have found that the petition against him by the dismissed President and a few dismissed membe of the Court was false, malicious and done with the very patent and cruel motive of ruining an honest man who had the courage to refuse to be a party to the dishonest ways of the President and the said members. The records perused will bear out the truth of every one of the above statements.

7. The appellant submits that the fate of a man who had put in thirty years of honest service and during all these years without giving room for a single complaint o grievance from any litigant whatsoever, ought not to hav been made such short work of on the basis of the notoriousl interested evidence referred to above. In the result, the Collector's summary and purely one-sided order passe without even framing a charge against the appellant has caused a real miscarriage of justice in the present case and ought in law, equity and good conscience be set asid by this Board after calling for the connected records from the learned Collector.

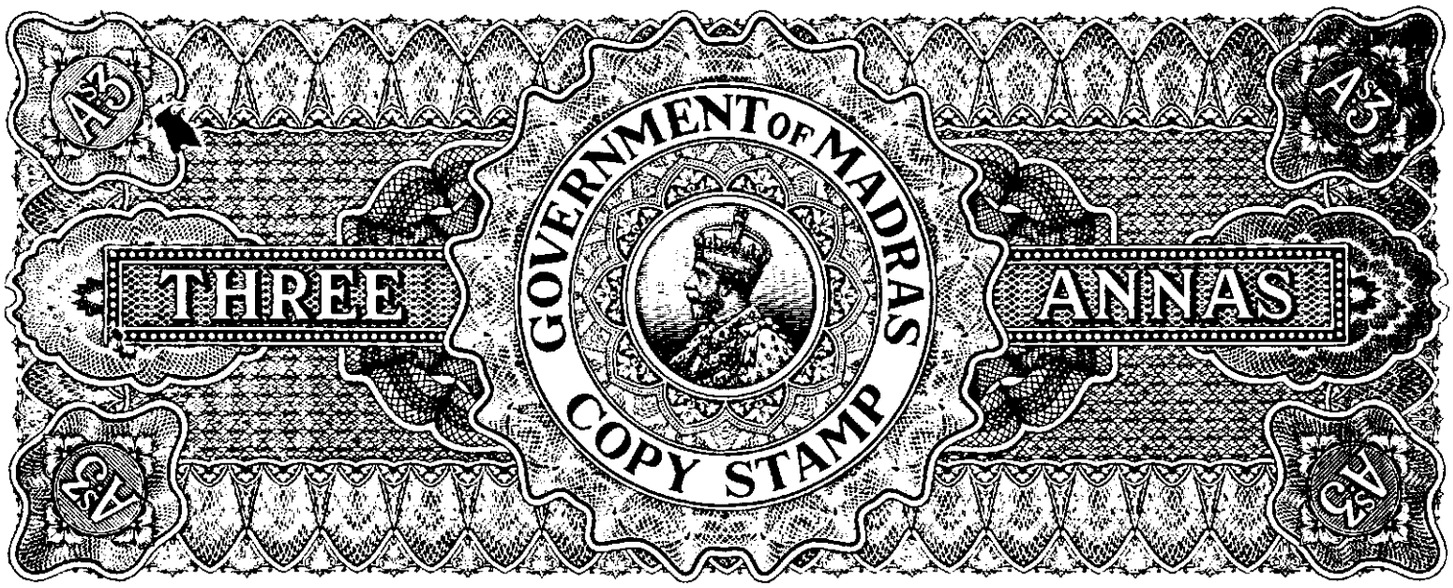
The appellant, therefore, most humbly prays

that the Hon'ble members of the Board will be mercifully pleased to verify by reference to the records the facts set forth above by the appellant and will as a result of their enquiry be graciously pleased to remedy the serious injustice done to him by the Collector of South Kanara and set aside the Collector's Order removing him from his office of permanent Assistant Karnam of the Kasba Bazar Panchayat Court.

For which act of justice and mercy, the appellant will ever remain grateful.

Mangalore,
30th Sept., 1932

A Shankaranarayana Rao
Appellant.



Ref B.3 5880-32

Proceedings of the Collector of South Kanara, dt. Aug. 19

Dated 19th August 1932.

Present: Khan Bahadur G. Hussain Bar-at-Law

Courts — V.P. Mangalore Taluk Kasba Bayar

Village permanent Asstt. Karnam Removed ordered.

Read (1) petition dated 15.6.32 from the President and other members of the Mangalore Kasba Panchayat Court —

(2) dt. Mangalore Tahsildar's report D. Dis. 10620-32 dated 12-7-32

& (3) dt. Mangalore R.D.O.'s report D. Dis. 2760-32 dated 7-8-32

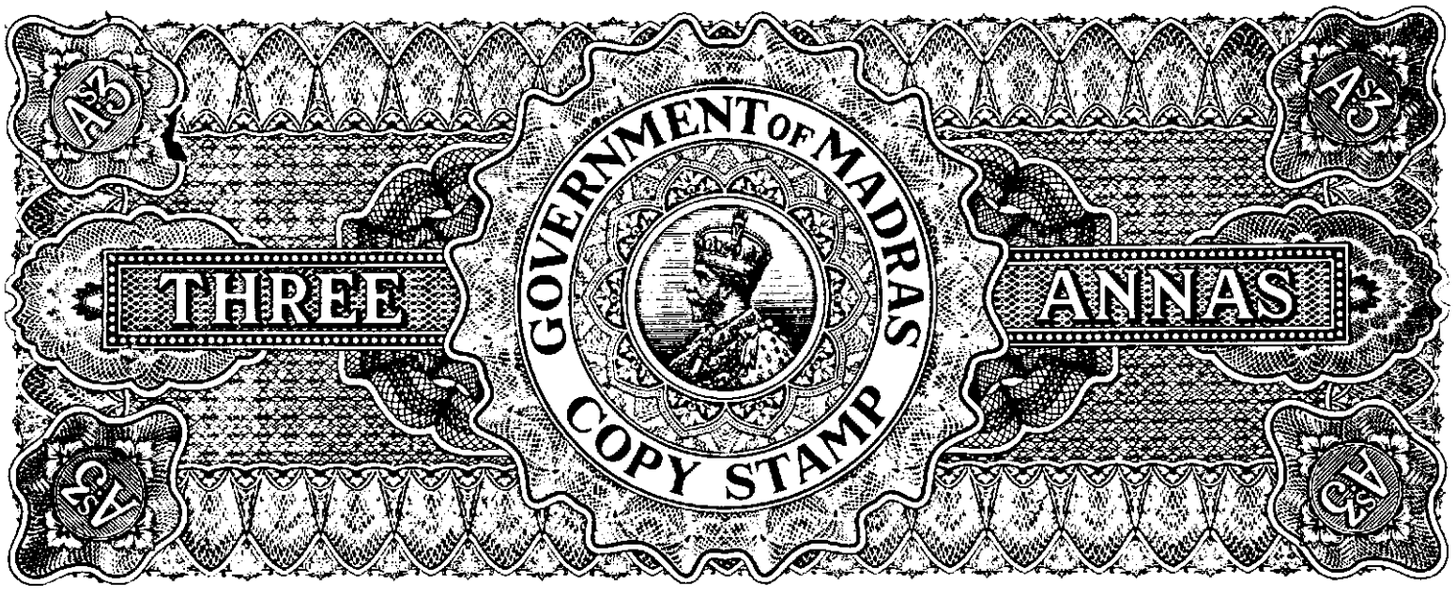
The petitions complained that the permanent Assistant Karnam attached to the V.P. Court, Mangalore Kasba, has been and is receiving illegal gratification from the parties at the time of the filing of plaints and petitions and when granting copies of —

2789.

24. 8. 32

Dr. G. S. Rao.

A. B. Esquivel



decrees — It was also represented that the Asst Karnam was not obeying the orders of the President

2 Enquiry held through the Tahsildar, Mangalore shows that the allegations both of receiving illegratification and disobedience are only too well found

3 Village Panchayat courts are established for securing speedy justice at minimum cost in respect of petty disputes and are not intended for the screening of malpractices — I am satisfied that it is very undesirable to allow the present Asst Karnam to continue to do the clerical work of the Court and accordingly direct his removal —

4 The R.D.O. Mangalore is requested to notify this order to the individual and to appoint a suitable substitute —

(Sd) J. Hussain

19.8.32

Collector of S.K.

131

A 1

2990.

24.9.32

Mr G. S. Rao.

A. B. Sequeira Esq

Application No. 224 for copy received	}	on 1.9.32
Stamp papers called for		„ —
Stamp papers produced		„ 1.9.32
Copy ready		„ 16.9.32
Copy delivered or sent by post to	}	„ 17.9.32

Total words = 256

Copied by } Compd. by APO 16/9/32

Enquire Law only.

(Collectors on two sheets only)

Deputy Collector

AS (L.R)

Subject.

R. F. XXII-A-19--30.004 - 2-2-31 (6)

F MEMBER. Village officers - (South Kanara) - Mangalore TK - Kasba Bazaar Uge - Asst. Karnam - Removal - A. Shankernarayana Rao - 1st appeal

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :--

Register No. _____. From the Bd's Ref A 2735/32/1 & 2-9-32 pp 7 Cf No. _____, dated _____ 193 Q
A 3194/32 pp 9-14 Cf Q

" "_____, " "_____, _____, "_____ 193

" "_____, " _____, "_____, "_____ 193

RESOLUTION. Refee No. A 2735/32/2, dated 5.10.1932

Forwarded to the Collector of South Kanara in continuation of the Board's reference read above

K.S. 4/10/32

Issued 5/10/32

DEPT. 7 OCT 1932

29/7/32

To
The Collector of
South Kanara
with the petition in
original
(to be submitted with
reply)

Ⓐ pp 9-18 Cf.

M.I.K.S. 6/7

21 ILP 72 A335 Record

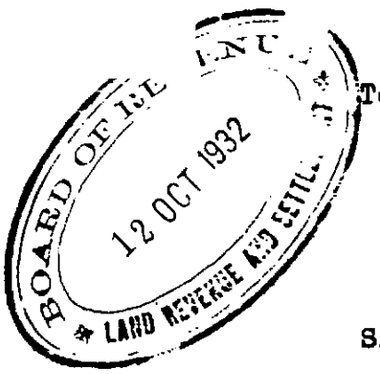
Ref.B3-5880-32. South Kanara Collector's Office,

Mangalore, 6th October 1932.

From

Khan Bahadur J. Hussain, Bar-at-Law,

Collector of South Kanara.



To

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

Sir,

Village Officers - Mangalore Taluk - Kasba Bazaar village - Assistant Karnam - A. Shankarnaraina Rao - Removal - Appeal.

******

pp 7-8 cf Board's Reference A.2735-32-1, L.R.& S., dated 2nd September 1932.

******

I resubmit the appeal petition received with the Board's reference and enclose R.Dis.file 192/Rev.10, dated 10-5-1910 of the Revenue Divisional office, Mangalore and the records of enquiry (78 pages) held by the Tahsildar, Mangalore. I have already submitted the connected records of my office with my letter Ref.B3-5880-32, dated 1st October 1932 as the removal of the members and the Assistant Karnam was disposed of in the same file.

2. Appellant was first appointed Assistant Karnam in May 1910 under the sanction granted in G.O.Mis.879 Rev. dated 21st March 1910, for helping first the Village Munsif of Kasba Bazaar and later the Kasba Bazaar Panchayat Court in the disposal of Civil suits. Appellants long service and experience seem to have helped him only to indulge in malpractices and to become impertinent as is evidenced from a complaint received by the Revenue Divisional Officer, Mangalore both from the President and from the public about appellant's meddlesome nature and corrupt practices. The members of the Panchayat Court also waited on me in

deputation in this connection some time ago.

3. The enquiry held by the Tahsildar. Mangalore and reported by him in his L.Dis.10620-32. dated 12th July 1932 already submitted to the Board, showed that appellant had long been receiving illegal gratification from parties at the time of filing of plaints (and) execution petitions &c. and that he had latterly grown disobedient and even unruly.

4. For the above reasons. I considered it highly undesirable to allow him to continue as clerk of the Panchayat Court and adopted the only course that seemed to me to be justified in the circumstances and directed his removal in my order Ref.B3-5880-32, dated 19-8-1932, already submitted to the Board.

5. I enclose for the Board's perusal a copy of the Revenue Divisional Officer's remarks, L.Dis.4403-32, dated 4th October 1932 on the appeal petition.

6. The post is not one governed by the Hereditary Village Officers' Act III of 1895 as claimed by appellant.

7. The appellant's allegation that he was not given a chance to prove his innocence is not true. Apart from the members of the Court, 19 persons filed a written complaint against the appellant. The Tahsildar examined nine in the presence of the appellant, who was allowed to cross examine them. All the persons examined deposed that each one had given the appellant small sums ranging from two annas to eight annas. The cross examination did not disclose that the statements were untrue. The appellant was definitely called upon by the Tahsildar to say whether he had any statement to make. The appellant subsequently filed a written statement merely making some allegations against the President of the Court and some Agent.

Simon Nelson 7x32

For Collector.

M.D'S.7/10.

KSR 7.10.32

L.Dis.No.4403-32.

Submitted to the Collector of South Kanara with Taluk File R.Dis.No.192/Rev.10, dated 10-5-1910.

(3)

pp. 105 - 106 of (6)

2. A kind perusal of my report, L.Dis.No.4370-32-B, dated 27-9-1932 submitted with reference to your B3/5880-3 dated 13th September 1932, is solicited. In that report I have stated why the dissolution of the Court was ------ imperative and how this appellant, who was only an ------ Assistant Karnam, was siding one of the parties and was partly responsible for the dissolution of the Panchayat Court. It was a habit with him to send petitions against the President and members of the President's party making numerous allegations therein. The Tahsildar had reported that he was corrupt beyond doubt and his behaviour towards the members of the Court was far from satisfactory. Malpractices were being nursed in the Court owing to the corrupt methods of this appellant. I am of opinion that his removal was required in the interest of justice.

Revenue Divisional Office,
Mangalore, 4th October 1932.

Sd/- H. K. Naidu,
Rev. Divl. Officer.

True Copy.

For Collector.

KSR
7.10.32

M.D'S.7/10.

25

A 3375 encls

Ref. B3-5880-32.

South Kanara Collector's Office,
Mangalore, 10th October 1932.

From

Khan Bahadur J. Hussain, Bar-at-law,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue and Settlement,
M a d r a s.

Sir,

Village Officers - Mangalore Taluk - Kasba Bazaar village Assistant Karnam - A. Shankarnaraina Rao - Removal - Appeal.

Board's reference No. A. 2735-32-2, dated 5th October 1932

******

I have already submitted my report with the connected ---- records with my letter Ref.B3-5880-32 dated 6th October 1932 in reply to Board's Reference No. A. 2735-32-1, dated 2nd September 1932. The petition with its enclosure is resubmitted.

For Collector.

KSR
11.10.32

AS(L-R)

I R MEMBER.

Subject.

R. F. XXII-A-19—28,004—15-3-32 (6)

(South Kanara) - Mangalore TK
Kasba Bazaar Vge - Asstt. Karnam - Removal
A. Shanker narayana Rao - First appeal

READ AGAIN B. P. No. _____, dated _____ 193 .

" " " Read, M.'s nama 193 .

READ ALSO :—

Register No. _____, From the A 3358/32, No. D 21-2, dated 2 Q 193

" " _____, " " _____, " _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193 .

RESOLUTION. Refer A 2735/32/3 No. _____ dated 19/10/32 193 .

The record of enquiry submitted by the Collector is returned for submitting English translations of the documents at pages 1-3; 5-7; 9, 11-12; 13; 15-17; 41-60; 61; 63-65 & 73-77. at very early date.
The Collector should have submitted the translations of ~~any~~ material documents along with his report.

RS.
19/10/32

7.0 a/
19/10/32

Remind Collector 19-11-32

bystander.
Enclosure placed below. to see top

N/SH. 20.X.

The Collector of South Kanara with the record of enquiry (to be returned with reply).

RP 26

Ref. P--3--5880-32.

South Kanara Collector's Office,

Mangalore, dated 3rd November 1932.

A 3617

Gawne, Esq, I.C.S.,

Collector of South Kanara.

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

S i r,

Village Officers--Mangalore Taluk--Kasba Bazaar village--Asst. Karnam--First Appeal--translations of documents and records --submitted.

Ref: Board's Ref. A.2735/32-3 dated 19th October 1932 and R.P.3125 dated 24th October 1932.

As directed in the above reference dated 19th October 1932, English translations of the documents are submitted herewith. The file containing the original records of enquiry is returned.

2. This office current file B3--5880-32, (ten pages), is also submitted as it is necessary for the disposal of the Assistant Karnam's appeal.

Your obedient servant,

Collector.

3

Subject.

R. F. XXII-A-19—23,004—15-3-31

F(MEMBER. Village officers (South Kanara) Mangalo
Karba Bagaan Vge - Asst. karnam. Remo
A. Shankernarayana Rao - First appeal.

READ AGAIN B. P. No. _____, dated _____ 193 .

" " " _____, " _____ 193 .

READ ALSO :—

Register No. _____, From the Bds Ref A 2735/32/1 Dr No. 9-32, dated 7 cf Q 193
do A 2735/32/2 Dr 5-10-32 p 19 cf
" " _____, " " A 3358/32 pp. 21-23 cf 193
A 3375/32 p. 25 cf
" " _____, " " Bds Ref A 2735/32/3 Dr 19-10-32 p. 29 cf 193 .
A 3667/32 p 29 cf

RESOLUTION. Ref No. A-2735/32/4 Dr 24/11/32 dated _____ 193 .

The Collector has not submitted Mangalore Divl. officer's D. Dis 2760-32 Dr 7-8-32 referred to in his Ref B. 3-5880-32 Dr 19-8-32. He is requested to send that file as well as all other papers connected with the removal of the Asst. karnam of the Panchayat Court.

K.S. 23/11/32

23/11/32

To
The Collector of
S. Kanara

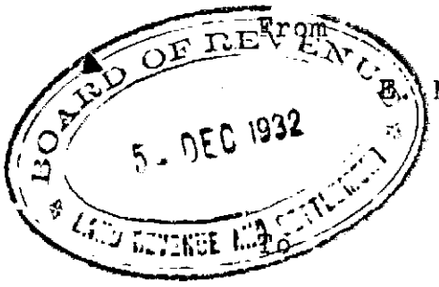
Remd Coll. 20-12-32

33

Ref. B--3--5880-32.

South Kanara Collector's Office, A4007

Camp: Udipi, dated 1st December 1932.



From

B. M. Gawne, Esq, I.C.S.,

Collector of South Kanara.

The Secretary to the Board,

Land Revenue & Settlement,

Madras.

S i r,

Village Officers-- Mangalore Taluk--Kasba Bazaar village--Assistant karnam--removal--records submitted.

Ref:- Board's Ref. No.A. 2735/32 dated 24th November 1932.

I submit this office current file B3--5880-32 containing 60 pages. The first ten pages have already been submitted with my letter Ref. B3--5880-32 dated 3.11.32. The Mangalore Divisional Officer's D. Dis. 2760-32 dated 7th August 1932 is at page 51 of the file.

Your obedient servant,

Collector.

R. F. XXII-A-19—23,004—15-3-32 (6)

FOR MEMBER.

Subject.

V/o - (S. Kanara) - Mangalore Tk - Ka
Bazaar Vill - Asst. Karnam Panchayat Court
A. Sankaranarayana Rao - Appl
Orders passed.

READ AGAIN B. P. No. _____, dated _____ 193 .

" " " _____, " _____ 193 .

READ ALSO :—

Register No. M 1-4 Cf, From the A 2733/32, No. _____, dated _____ 193

" M 21-22 Cf, " A 3308/32, " _____, " _____ 193

" M 33 Cf, " A 4007/32, " _____, " _____ 193 .

RESOLUTION. (Music). No. 5744, dated 17.12.32 193 .

This is a first appeal against the order of the Collr. of South Ka removing the appellant from the office of the Asst. Karnam of the Panchayat Court village. The Board has examined the records of the Case. The Collrs order is based on the Tahsr's report vide D. No. 10620 of 32-B dt 12.7. M 5-9 of (V) and the R. Dr's order D. No. 2769 M 5, of (V) dt 7.9.32. The Tahsr. Concluded from his enquiry that the appellant was Corrupt. On receipt of the Tahsr's report the proper Course for the Collr. should have been to instruct

the R.D.O. to frame Charges of Corruption and insubordination against the appellant to hear him in accordance with rules and to deal suitably with him. The Collr: has, however, removed him without framing charges. The Board ~~therefore~~ Considers ~~that~~ that the procedure adopted is not Correct and ~~therefore~~ Cancels the Collr's order R.o.C. B_3 5880/32 dt 19.8.32 and directs the Collr: to remit the case to the R.D.O. for framing charges and ~~enquiring~~ disposal.

2. The appellant is informed to the Collr: for orders on his appeal

16.12.32
for 17/12/32

To the appellant MRB A. Sankara-
narayana Rao
~~clerk~~ formerly Asst. Kanaun
attached to the Kasba Bazaar
Panchayat Court,
(Para 2 only) Mangalore,
with Encls: acknowledgement
Collr: of S. Kanara
records returned.

Enclosures returned
RDOs Rdis 192 dt 10-5-32
Record of Enquiry 78 pages
Cir. current file pp 1-60

12/12/32

Defer
Please look to the
enclosures
17/12/32

Pages 1 - 3.

To

The Deputy Collector of South Kanara.

Petition of the undersigned residents of Mangalore Town attached to the Casba Bazaar Panchayat Court.

As Shankernarnappaya, clerk of the Casba Bazaar Panchayat Court, Mangalore is giving trouble to people in many ways such as by collecting money as he likes from each and every one in respect of every suit, we find it impossibl to file suits in this court. As he is keeping all the recor of the Panchayat court with him, the clients will have to obtain any information they require about any suit by paying him and not otherwise. As he is collecting fees at the rate of Re. 0-2-0 for each plaint, Re. 0-12-0 for each execution petition Re. 0-4-0 for certifying a decree and Re. 0-2-0 for perusal of a statement we find it very troublesome to file any suits in t court. If we refuse to pay him at the above rates he is in the habit of creating all sorts of troubles with regard to t disposal of our suits. We therefore beg to represent that we are put to so much loss and trouble on account of his collecting fees against rules from people in the manner explained above; so we pray that after holding necessary enquiry he may be ordered to be transferred to some other place. If your Honour is pleased to examine all the signato you will come to know of the truth.

Signatures of 19 persons

x x x

We pray that early enquiry may be held in this connec either in person or through the Tahsildar of Mangalore Taluk.

Translation of
Pages 5 - 7.07 (14)

To

The Revenue Divisional Officer,
, Mangalore Taluk.

Petition of Shankernaraina Rao, Assistant Karnam of the Mangalore Kasba Bazaar Panchayat Court.

cases are not properly disposed of in this court, the previous Divisional Officers sent to the Collector two reports D.Dis. 2397-29 and D.Dis. 3658-29 suggesting the formation of two or three courts. This was not satisfactorily met with. I have been satisfactorily working in this court from 3-5-1910. Before the election of the present President, this court was working properly and 3000 suits used to be filed a year. Though only 2400 suits are now filed, it takes one or their disposal In this court plaintiffs appear only in a small number of cases. This will be proved if the records of the cases now pending are examined. When I showed to the previous President Ramachandraya and the present President. Sheshagiri Bhatt one or two plaints of the many false and incomplete plaints filed in this court by one Talapa Anantha Kamthi. brother-in-law of the President and a Taluk Board teacher now on sick leave, the said Anantha Kamthi ---- insulted me on 19-5-32 in the presence of the President. I ha o. 33/20-5-32 in this matter. It has not been disposed of yet. The peon sent by the Tahsildar to ascertain the cause of the noise was quietly sent away. This is known to all the members of the court. Of these members, five are the partisans of the President. I learn that the said Anantha Kamath has since against me obtained signatures thereon by going to every shop and sent it to you. You will be satisfied if the records of the following cases are examined. The conduct of the said Anantha Kamthi may be got enquired into by the Taluk Board President Mr. K. Sadashiva Adiga.

N/ot Sent

Dated 13-6-1932.

1929	1930	1931	1932.
1864	849	609	73
113	1588	1038	105
280	1603	1589	228
1946	1763	1592	230
2223		1599	308
		1784	313
		1908	315
		1964	318
		1965	321
		2291	329
		2293	482
		2294	500
			714
			892
			893
			894

Translation of Page 9.* + (H)

Report of the President, Kasba Bazaar Panchayat Court to the Tahsildar, Mangalore dated 15-6-1932.

In connection with the report of Shankernarnappaya, clerk of this court and the enquiry held by the members of this court, the statement of Agent Anantha Kamath is enclosed. The clerk has not given a statement. Such orders as deemed fit may be passed.

^ pp 5-6 of this file

Sd/- G. S. Bhatta,
President.

--

Translation of Page 11. of (H)

To all members of the Kasba Bazaar Panchayat Court.

In connection with the exchange of hot words on 19-5-32 between the clerk of the court, Shankernaraina Rao and one Anantha Kamthi, who appears as an Agent in cases before this court the said clerk submitted a report on 21-5-32 to the court asking for an enquiry. It will be evident to you that I and the other persons present at the time will have to be treated witnesses. I therefore consider that the enquiry into this matter has to be conducted by you and request you to be present for that purpose on 1-6-32.

Date 25-5-32 Sd/- G. S. Bhatt,
President.

Translation of Page 12. of (H)

Under the Village Courts Act, this Panchayat Court has no jurisdiction to deal with cases of contempt of court. The events mentioned in the clerk's report are said to have taken place after the sitting of the court. It is requested therefore that the President may enquire into the matter and submit a report to the proper authority.

Dated 11-6-1932 Signed by 4 members.

Translation of Page 13. of (H)

Report of clerk Shankeranaraina Rao dated 20-5-32 to the President of the court.

I request you to frame a charge for contempt of court against one Anantha Kamath who appears in this court as agent of the parties for his improper behaviour towards me on 19-5-32

at about 3.30 P.M. in your presence.

Translating Pages 15 - 16. of (14)

To

The President,

Kasba Bazaar Panchayat Court,

Mangalore.

Explanation dated 11th June 1932 from Ananta Kamathi son of Talpadi Muddu Kamthi residing near Webster Market, Mangalore.

---

1. The report filed by Shankernaraina Rao, clerk of the Kasba Bazaar Panchayat Court, that I have committed contempt of court against him is not in accordance with the rules or practice of this court.

2. On behalf of many of the merchants of Bunder, I am filing suits of execution in this court since the last one ye and thus carry on my living with great difficulties.

3. This Shankernaraina Rao, as clerk of this court, has been collecting money from me by compulsion for his own benefit in connection with every suit of execution more fees than is laid down in the Village Courts Act and as such there have been constant quarrels between us for the last 4 months with regard to the fees collected by him in excess.

4. As he was giving a lot of trouble in the suits filed by me on behalf of my clients, in cases I did not pay the exces fees demanded by him, I was paying him as much as he demanded as I was quite helpless in the matter.

5. As most of the leading members did not consent to pay the excess fees, I informed the clerk that I was not in a position to pay this additional fees, whereupon he informed me that he would not take into file these suits without the additional fees and as such we had to disagree. After I

commenced to file suits before you, he has been on inimical terms towards me and has been absuing me with indecent words. Though a poor man, I am born in a very respectable family. He has been trying to see that I do not file any suits on behalf of my clients in this court and to drive me away from here and thus deprive me of my honest earnings.

6. On 19-5-32 for want of a quorum the court work closed at 2.30 P.M. As per your orders I wrote a receipt in Civil Suit No. 73/32 and under your instructions showed it to clerk Shankernaraina, whereupon he began to abuse that the man who wrote the receipt was off his head and such other indecent wo and I was forced to give him one or two replies which is known to your goodself. Thereafter as per your orders I have been very silent and I have brought to your notice the hardships I have been suffering.

7. This conflict between us took place in your very pre and as such you know well as to who is at fault and I theref need not stress much upon this.

8. The said Shankernaraina Rao with the previous enmity against me, having absued me, thinking that as he is the clerk of the court the President would not discard his words, has pu in the false petition. That is unjust and is the outcome of spite is a fact known to your goodself. The humble petitioner therefore prays that due justice may be done and the clerk's unjust report may be dismissed and he may be warned not to abuse me in future.

Translation of Page 17. (H.)

To

The Tahsildar of Mangalore.

Petition dated 27-6-32 from A. Shankernaraina Rao, Assistant Shanbhogue working as clerk in the Mangalore Kasba Bazaar Panchayat Court.

Some of the Konkani residents of the Mangalore Town and some belonging to other communities who are under their obligati

have put in a petition to the Revenue Divisional Officer, making certain allegations against me. This petition having been forwarded to you for enquiry, I have received notice from you to appear before you on 29.6.1932. I learn that the allegations against me are of a criminal nature.

As I am not much educated and as I am not experienced in criminal and other enquiries, I will not be able to get justice as I will not be able to establish my case during the enquiry by opposing the allegations against me. Therefore, humble servant as I am, I pray that I may be permitted to engage a Vakil to defend me at the time of the enquiry and that I may be supplied with a copy of the petition so that I may be able to give my explanation.

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Translation at Page 41. (1)

Statement taken down on 2.7.1932 by the Tahsildar of Mangalore from Ramanath Naik, son of Cherdappa Naik of Mangalore on examination.

******

Heard petition read out to me now on which the Revenu Divisional Officer's order, 2760-B-32 is based. It bears my signature also. In 1924 or 1925 in connection with the affairs of our tile factory, I have filed about 7 or 8 suits in the Panchayat Court. When receiving the instalment amounts as per decrees, I have paid 4 or 8 annas into the hands of clerk Shankernaraina who is now present. I paid him the amounts. After receiving the instalment amounts, I did not obtain receipts for such payment.

Examined by Shankernaraina.

I filed plaints to receive monies due to my father. The then President was Ramachandraya.. Decree instalment amount was disbursed by clerk Shankernaraina. Thinking that it was not proper on my part to put in a petition alone, I did not petition till now.

The above mentioned petition was signed by me at the

time when it was brought to my house by Kotekar Vittal Naik. Petition was written by Ramadas.

Read over and admitted to be correct.

****

Translation of Page 43. of (H)

Statement recorded by the Tahsildar of Mangalore on 2.7.1932 after examining Venkatraya Bhandary of Mangalore, son of Annappa Bhandary.

******

Heard petition read over to me now on which the Revenue Divisional Officer's order, 2760-B-32 is based. I and the other signatories put in that petition. One of the signatures in that is mine. Last year I filed 2 suits in the Panchayat Court. In this connection when I filed the plaints, as the Panchayat Court clerk who is now present told me that no suit would be filed without 2 annas per plaint, I have personally paid him 2 annas for 1 plaint.

Cross Examined by clerk Shankernaraina.

The abovementioned petition was written by Ramadas. A boy had brought that petition for my signature. After reading it, I signed it. After filing the plaint for which I had personally paid 2 annas, I paid 2 annas to my agent (Mutalik) for filing another plaint. In the plaint for which I had personally paid 2 annas the defendant was one.

Read over and admitted to be correct.

******

Translation of Page 45. of (H)

Statement taken down on 2.7.1932 by the Tahsildar of Mangalore after examining Srinivaspal, son of Appupal of Mangalore.

******

Heard petition read over to me on which is the Revenue Divisional Officer's order, 2760-B-32 is based. I and the other signatories joined together and filed that petition. One of the signatures in that is mine. In the Kasba Bazaar

Court generally I file 4 or 5 suits in a year. In 1930, in connection with a plaint, I have paid into the hands of the Panchayat Court clerk who is now before me, 2 annas. For that, I neither asked for a receipt nor did he give one.

Cross Examined by clerk Shankernaraina.

Vittal Naik, K. Vittal Bhandary, Vakil Anantakamti and Panduranga Prabhu came to my Bhandasala and telling me that the clients feel very much troubled in the Kasba Bazaar ----- Panchayat Court, it is better to put in a petition in this connection, otherwise our amounts will not be collected and we will suffer much, showed the petition they had brought. I read the petition then and signed it.

Read over and admitted to be correct.

****

Translation of Page 47. of (4)

Statement of A. Venkatraya Heggade, son of A. Ganapathi Heggade, residing in Mangalore, recorded by the Tahsildar on 2.7.1932.

****

Heard the petition sent with the Revenue Divisional Officer's No.2760-B-32. I and the other signatories to the petition made the petition. One signature is mine. I file about 8 or 10 suits in a year in the Panchayat Court. When I come for copies of decrees, clerk Shankernaraina Rao asks me whether I have brought money. When asked why the money was wanted, I was told that if I wanted a copy of decree, a sum of 2 annas has to be paid. I have therefore obtained two or three copies after paying 2 annas for each decree. Besides this, I have not paid any amount. I did not demand a receipt nor did the clerk give me one.

Cross Examined by clerk Shankernaraina.

Some of the signatories to the petition mentioned above brought it to my house. My father and I read it. As I was always going to the Panchayat Court for any work, I alone signed it. Talapadi Anantha Kamthi is residing in one of the houses in our compound. There is no relationship between us.

Translation copy Page 49. of (47)

Statement of S. Rama Naik, son of Padmanabha Naik taken down on 2.7.1932 by the Tahsildar of Mangalore.

******

I have seen the petition read over and shown to me now on which the Revenue Divisional Officer's order. 2760-B-32 is based. One of the signatures on that petition is mine. That petition was filed by me and the other signatories before the Revenue Divisional Officer. I know all about Shankernaraina of Kasba Bazaar Panchayat Court who is now before me I am clerk to Ullal Vasudeva Nayak and I file suits on his behalf in this Court. Every year about 50 or 70 suits are filed. For every plaint a fee of 2 annas is collected. In 1930 the said clerk has collected from me for every execution petition and attachment order at the rate of 12 annas. As the charge in this connection for recovering the amount exceeded the amount to be recovered we did not apply for any attachment either last year or this year. About nine months back, I have handed over 2 annas to this clerk to certify Keshava Prabhu's decrees. He told me that it was not possible to pass a receipt for the amount. When I demanded receipts for the amounts paid by me he informed me that I would get a receipt after the formation of a separate department.

Examined by clerk Shankernaraina

Vasudeva Naik's plaints are not filed by Ananta Kamthi but by me only. When the suits are heard Ananta Kamthi plea About the collection of 2 annas when I informed the President and all the members, I was told that I may put in a petition and that it will be enquired into. Myself, Srinivasapal, Vittal Naik, Ramanath Naik, Panduranga Prabhu, we four joined together and prepared the above petition. The petition was got written by one Ramadas.

******

Page 51. (41)

Statement taken down on 2.7.1932 by the Tahsildar of Mangalore after examing K. Vittal Shenoy of Sri Laxmi Mills.

******

p 1-51 (H) Heard petition read over to me now on which the Revenue Divisional Officer's order, 2760-B-32 is based. I am one of the signatories. I personally read and signed this petition. I know Panchayat Court clerk Shankernaraina who is now present I have newly filed a suit this year. While filing the plaint I have paid 2 annas into the hands of clerk Shankernaraina who is now present before me. When I asked what fees it was, I was informed that without fees it could not be filed. When receipt was demanded, the said clerk did not issue. I have not paid any money besides the 2 annas.

Cross - Examined by Shankernaraina.

Plaint was written by Ananta Kamthi. Plaint was presented before clerk Shankernaraina.

Read over and admitted to be correct.

******

Translation of Page 53. (11)

Statement taken down by the Tahsildar of Mangalore on 2.7.1932 after examining Vittal Baliga, son of Ganapathi Balig

******

Heard petition read over to me now on which the Revenue Divisional officer's order. 2760-B-32 is based. It bears my signature also. It is a petition against Panchayat Court clerk Shankernaraina who is present in Court now. Every year I file about 7 or 8 suits in the Kasba Bazaar Panchayat Court. On account of executions I have paid into the hands of this clerk who is now before me 12 annas for one execution. I have paid 12 annas only once into the hands of the clerk who is now present. For obtaining copy of the decree on private paper, for every copy he has been receiving 2 annas. The amount I paid in this way was not in the hands of Shankernarnappaya. I paid it into the hands of another clerk. I paid it to cler Thimmappa who is now shown to me.

Cross Examined by Shankernaraina.

Till now I have filed only one execution. I don't know who wrote the petition filed by us. This petition was brought to my shop for my signature after it was prepare I personally read the petition and as there is the practice of collecting 2 annas for every copy of the decree of the Kasba Bazaar Panchayat Court, I signed the said petition. I have not filed any execution petition this year in this Court.

Read over and admitted to be correct.

****

Translation of Page 55. of (14)

Statement taken down by the Tahsildar of Mangalore on 2.7.1932 from K. Mukund Pai. son of Venkatramana Pai of Bunder.

****

Heard petition read now on which the Revenue Divisional Officer's order, 2760-B-32 is based. I have also signed it. Last year I have filed 2 suits in the Kasba Bazaar Court. In connection with these suits I have paid for every plaint 12 annas through Ananta Kamthi (Mutalik). As regards copies of decrees I have paid 4 annas for one and 2 annas for another. Out of this I have got copy of the decree for which I paid 2 annas. The other copy I have not yet received. Four annas were paid to clerk Shankernaraina. Though we visit Panchayat Court 25 times decree copy is not received. p 1 of (14)

Cross Examined by clerk Shankernaraina

I do not know who wrote the copy of the decree Petition was got written through the Vakil. All the signatories of the petition joined and signed the petition. I have brought to the notice of the President the fact of the excess amount and the fees for the copy of the decree collected from me. There is no rule that the amount ------ should be paid to the clerk. If you have paid any amount lik

that, you can put in a petition was what I was told. I did not demand a receipt for the amount paid by me. The clerk told me that there is no receipt for amount paid as inam.

Read over and admitted to be correct.

Translation of Page 57. of (14)

Statement taken down on 2.7.1932 by the Tahsildar of Mangalore after examining Hotel Keeper K. Vittal Naik, son of Ganapathi Naik.

Heard petition read over to me now on which the Revenue Divisional Officer's order 2760-32-B is based. It is from me and the other signatories. This year I have filed about 10 or 15 suits in this Kasba Bazaar Panchayat Court. Similarly I have been filing suits every year. I know Panchayat Court clerk Shankernarnappaya who is now before this Court. When I had to get copies of decrees on private paper, he had obtained from me 2 annas for every copy. For every execution taken out a sum of twelve annas has been collected from me instead of 8 annas. No receipt was given to me.

Examined by Shankernaraina

Decree copies were prepared and given to me by another clerk Thimmappa of the Panchayat Court. I have not put in any execution petition since the last 2 years. I have not informe the President about the amount paid by me. I do not know in whose handwriting the above petition is. The above petition was got prepared and signed by all of us in a Vakil's upstairs at Hampankatta. My plaints are written by Master Anantha Kamthi. Only 1 mistake.

Read over and admitted to be correct.

Translation of Page 59. of (14)

Statement of Anantha Kamthi, son of Talpadi Puttu Kamthi residing in Mangalore recorded by the Tahsildar, Mangalore.

Heard the petition dated 11.6.1932.filed by me before the

President of the Kasba Bazaar Panchayat Court. I appear as an agent of parties in this Court. I file suits on behalf of some merchants, who are unable to come to the Court. Every plaint is filed before clerk Shankarnarnappaya after paying him two annas. For purposes of obtaining copies of decrees on plain paper, I pay two annas to clerk Thimmappa. If this is not paid, copies of decrees are not given. I file about 500 suits in a year. Besides this. I appear as agent in about 50 or 60 suits.

Cross examined by Shankernarnappaya.

I am a teacher in the Taluk Board School at Talapadi. I have obtained sick leave from April 1931 and am engaged in this profession. There is no relationship between me and the Court President Sheshagiri Bhat. The parties in the suits filed by me appear in Court. On 28-5-32. I made a petition to the President to adjourn suits Nos. 916/32, 795/32, 124/32, 740/32, 381/32, 384/32, 585/32 and 101/32. I filed the petition for adjournment as suit No. 257/31 in the Hosabettu Panchayat Court relating to me was posted for hearing on the same day. As I was ill, I left a note on 11-5-32 with clerk Shankernaraina to the President to adjourn the following cases.-

825, 827, 826, 824, 676, 670, 356. 948. 387. 683. 829. 592 and 742 of 1932 and 1098 and 2166/31.

In some of the above cases, there might be a Vakalathnama in my name. I have on several occasions informed the Court of the levy of 2 annas by clerk Shankernaraina at the time of filing suits. The Court informed me that the clerk will be made aware of this. I do not know anything about the petition filed before the Revenue Divisional Officer by Vittal Naik and others. I have not joined it.

Translation of Page 61. of (61)

Statement of Assistant Karnam Shankaranaraina Rao recorded by the Tahsildar, Mangalore on 2.7.1932.

Question. What have you to say to the statements of the

petitioners examined before you to-day in connection with a petition received with the Revenue Divisional Officer's endorsement N.Ref.2760-32-B, dated 15.6.1932?

Answer. I will file a written statement on 4.7.1932.

Translation of Pages 63-64-65. of (14)

To

The Tahsildar of Mangalore.

Statement of Shankarnaraina Rao, Assistant Karnam, Mangalore Kasba Bazaar Panchayat Court.

I have heard the Revenue Divisional Officer's order and the petition read over to me. I have not committed the offence mentioned in the petition. All the pleadings to be filed in the Court are received by the President or the members. I request perusal of the Mangalore Revenue Divisional Officer's order D.Dis.3787-26-2 dated 26.11.1926. Paragraph 4 of the order is as follows:-

The clerks of the Court should not receive plaints, pleadings, petitions from the parties. The parties should be directed to present them to the President or member attending the Court.

2. In accordance with the said order, S. D'Kunha. a member of this Court, was receiving all pleadings. After the present President was elected, the President himself was receiving all the pleadings.

3. I believe for the reasons given below that the petition against me might have been filed at the instigation of the President and his relation Talapadi Anantha Kamthi who is appearing in this Court as Agent of the parties in suits.

4. After the said Anantha Kamthi began to appear as agent, and to file suits against defendants residing in other villages, I had brought to the notice of the President many times this fact

when writing notices. Inspite of this and of the Process Servers' endorsement that the defendants belong to other villages, the President passed decrees for plaintiffs and this fact I had brought to the notice of other members. As examples, the records of the following cases may be perused:-

1797, 1589, 1592, 1599.
1931

5. In connection with the enquiry into the petition filed by the defendant in suit No.1763/39 of this Court, the President told me to make an entry in Register No.4 to the effect that the date of the decision of the majority was written later on. I did not agree. I also reminded him of the trouble he had in suit No.1946/29 which was first decreed but the decision was later altered as having been dismissed. He became angry with me and directed me orally not to bring the said proceedings book before the Bench and also not to show any records to the members. Owing to this, the Court did not sit on days when the President was absent, though there was quorum. An inspection of Register No.4 will prove this. When I told him that a revision petition should not be ----- entertained owing to the orders of the District Munsif in O.P. 57/31 in relation to suit No.849/30: he got angry with me and swore that he would teach me a lesson this time. The revision petition is still pending.

6. In addition to the above, the same state of affairs continues in several other suits also.

7. For the above reasons, these two above named persons combined and on 19.5.1932 at about 3.30 P.M. the said Ananth Kamthi filed a compromise petition in suit No.73/32. The President gave it to me and asked me whether it was in order. I pointed out some objections, when the said Anantha Kamath abused me. I told him that I merely obeyed the President and that it was not proper on his part to abuse me. He then asked me what I would do if he kicked me out and chased me. Some people who were present at the time told him that what he was

doing was not proper. On hearing the noise, the Tahsildar sent a peon to the Court.

8. As the President did not take any action in this matter which happened in his presence, I have given a report to him on 20.5.1932 in writing. I am bringing this matter to your notice now.

Translation of Page 73. of (14)

Statement of P. Ramachandraya, Member, Kasba Bazaar Panchayat Court, recorded by the Tahsildar, Mangalore on 9.7.1932.

I know Shankarnaraina Rao. the Assistant Karnam of the Panchayat Court. It is now 23 years since he was appointed to the post. I was President of the Court for 12 years. Instances of misconduct of the said Shankarnaraina Rao had not been brought to my notice.

Read over and admitted to be correct.

Translation of Page 75. of (14)

Statement of Krishnappa Rai, Member of Kasba Bazaar Panchayat Court, recorded by the Tahsildar, Mangalore on 9.7.1932.

I know Shankarnaraina Rao, Assistant Karnam of the Panchayat Court. It is now 7 or 8 years since I was selected as a member of this Court. Instances of misconduct of Shankarnaraina Rao had not been brought to my notice till now.

Translation of Page 77. of (14)

Statement of M. Shabuddin, Member, Kasba Bazaar Panchayat Court, recorded by the Tahsildar, Mangalore on 9.7.1932.

I was not present in the Court on 11.6.1932. I am not aware of any instances of misconduct of clerk Shankarnaraina Rao. I became a member recently. I have not much experience

of the Court.

Statement of Member A.J. Ahmad, Member of the Kasba Bazaar Court, recorded by the Tahsildar, Mangalore on 9.7.1932.

I was not present in the Court on 11.6.1932. It is about $2\frac{1}{2}$ years back that I became a member. Instances of misconduct of the clerk Shankarnarainа Rao had not been brought to my notice till now.

(True Translation)

Village officers - (South Kanara) - Manga
TK - Kasba Bagaar Vge - Asst. Karnam
Removal - A. Shankaranarayana Rao -
First appeal - stay

S
Sett
A.S. (~~G.R.~~)
Through A.I.~~G~~
verify 1-9-32

To A.S.

Non hereditary and non statute

2). This is an appeal against the Collector's order removing the Asst appellant from the office of the Karn of the Vge - under B.S.O. 156(4) an appeal lies and it is in time

Not sent

p 870 of B.S.O. Vol III

pp 1-3 cf

3). Please see the petition. The appellant has not enclosed a copy of the order appealed against. It may be called for.

Vs.

para 1 on p 1 cf

4). The appellant states that he has been the Asst Karnam of the Vge for the last 23 years doing the Panchayat Court work, that the Panchayat Court was dissolved by the Collector and that consequently the Collector ordered his removal without framing charges against him and without giving him an opportunity to rebut them.

p. 2 & 3 of p. 3 cf

para 4 on p. 3 cf

5). As the Collector's order is not available the circumstances under

which the appellant ~~red~~ are not known. The Tahsildar's order enclosed to the petition is of no use Under section 9(7) of Act I of 1889 it is only the Governor in Council the can disestablish a panchayat Court No orders as it is must have been received in this office that the Kasba Bazaar panchayat Court was disestablish

3. The appellant asks for a stay of the Collector's orders. It is not known why the appellant was removed. If as stated by the appellant he was removed as a result of the abolition of the panchayat Court, there do not appear to be sufficient grounds for granting stay. As this is a first appeal the records of the case may be called for No stay is necessary: Records ~~For orders~~ May be Called for

K.S. 1/9/32

2.9.32

A.S. 29.32

S

TO A.S

Draft Submitted

K.S. 2/9/32

A.S (Sett)

A-S (L.R)

[Bdis Refee A 2735/32/1 & 2 9-32. pp 7-14
A 3174/32 pp 9-14]

TO AS.

The petition at pages 9-14 may be forwarded to the Collector for report.

Draft submitted for approval

KS.
4/10/32

T S-10/10

M.
S
A-S (L R)

TO A.S.

The Collector has submitted the records of the case and has also submi English translations of the statements

Flag (H) in the record of enquiry made by the Tahsildar.

2). The facts of the case ~~are~~ are given below :- The appellant was the asst. Karnam attached to the Panchayat Court

p 2 of the translations in (H) One Ananthu Kamthu, the brother in-law of the then president was appearing before the Panchayat Court as an agent of the parties

para 3 on p 5 of (G) On 19-5-32 and there seems to have been an

exchange of hot words between the agent and the asst. Karnam. The next day the asst. karnam put in a petition to the President of the Panchayat Court requesting that action might be taken against Anantha Kantha for Contempt of Court. The President circulated a notice to all the members to hold a meeting on 1-6-32. But the matter was not brought before the court till 11.6.32 when four members decided that the Panchayat Court had no jurisdiction to deal with cases of contempt of Court. On the same day a petition was presented before the Rev. Divl. officer signed by 19 people alleging that the appellant was taking bribes at the rate of Rs 0-2-0 for each plaint 0-12-0 for each execution petition, 0-4-0 for certifying a decree and so on. And requesting that he might be transferred after proper enquiry. The Tahsildar Conducted the enquiry in the presence of the appellant and submitted a report. It may be perused. Besides this petition the President and some members of the Panchayat Court submitted another petition to the Rev. Divl. officer alleging that the asst. karnam was not properly behaving in the Court. Turning these

p. 4 of translation in (H)

b. 4 of do

para 3 on pp 5-6 of (y)

p. 4 of translation in (H)

p 1 of do

pp (H)

pp 1-3 of (y)

into consideration the Collector removed
pp 15 17 ct him from the office. The appellant has
come up to the Board in appeal

3) The appellant's main contentions are
para 4 on p 3 ct (i) that no charges were framed against
him and that no opportunity was given
to him to rebut the same,
ground 1 on pp 9-10 ct ii) that the Collector's order was wrong
as it was based on the interested
evidence got up by the president and
Ananthà kanthi
page 10 ct iii) that the allegations against him
by some of the members were due to
the factions existing in the court and
~~was due~~ to the conspiracy of the presid
some
four members of his faction and
Ananthà kanthi because he refused
p. 12 ct to be a party to the presidents' dishones
ways in dealing with the litigants.

4) Points (i) :- No charges were
framed by the Collector but the
contention that he was not given an
opportunity to rebut the evidence
against him is wrong. The Tahsildar
statements at pp 7 - 14 of the translations in (H) enquired into the allegations in the
petition in the presence of the appellant
an opportunity
allowed him to cross examine all
pp 14 15 of do the witnesses and asked him if he

had anything to say whereupon the appellant filed a written statement. pp 15-17 of the translations in (H)
So the omission to frame definite charges need not vitiate the proceedings

5). Points (ii) & (iii) :— From the records of the enquiry it is plain that there were two factions in the Panchayat Court. The president belonged to one party and p. 8 of (y)
the asst. karnam belonged to the other party. It might be a fact that the petition against the asst karnam was got up by Ananthakanthi but from the statements given by those who were examined it is clear that the asst. karnam took bribes. In the Cross examination of the witnesses the appellant only tried to elicit that the petitions were got up by Ananthakanthi and others but did not try to prove that the fact he was
of receiving bribes was not correct He also did not adduce any evidence to show that he did not take bribes. On the other hand the statement of Of Mr. J. Pandurangashenai supports the version p 78 of (H)
fact that the asst karnam was ~~in the habit of taking bribes~~ misconducting himself When the parties asked for receipts he gave

pp 8, 10, 11 & 13 of translations in (H)

peculiar answers to them. All these lead to the conclusion that he was guilty of receiving bribes. The appellant states that Anantha Kamil

p 13 of

was debarred by the collector from practicing in the panchayat court. The records relating to this were not submitted by the Collector. From the record of enquiry, the reports of the

pp 2 3 of trans lations in (H)

officers and the petition put in by the appellant to the Rev. Divl. officer it is seen that the appellant took part in the factions of the Court. As a clerk of the Panchayat Court he should have behaved more carefully. If the president committed mistakes he would have been taken to task, but it is not for the appellant to point out the mistakes in the way he did. In the circumstances, the appellants' Conduct appears to deserve some punishment and the Collector is right in removing him. The Board may agree with him and dismiss the appeal.

leg 15/11/32

K.J. 12/11/32 14.32

S

Where is the R.D.O's report of 7.8.32, referred to at p. 15 C.F?

17.11.32.

TO A.S

Secretary's query above.

The Rev. Divl. officer's report D. Dis 2760-32 & 7-8-32 has not been submitted by the Collector. Then get it: the records are'nt complete without it.

A.S (L/R) p. 15 C4.

18/11/32 19.11.32 22.11.32

22.11.32

To A.S.

Draft submitted.

A.S (L.R).

23/11/32 23.11.32

[Bds Ref A 2735/32/4 & 24-11-32.
A 4007/32 p. 33 C4]

A.S (L.R).

To A.S.

The Divl. officer's Dis 2760-32 & 7-8-32 referred to in the Collector's order has been received. It shows that the appellant was also personally warned by the Divl officer not to give room for complaint

p 51 of (Y)

p. 15 C4.

The remaining portion of the order does not relate to the present case. The notes at pages 3-7 N F may be perused and orders passed -

ICS. 6/12/32 The Collector's order dated 7.12.32 - based on the Tahsildar's report dated 12-7-32 and the Dist. Officer's letter No 2760/32 dated 7-8-32 - The Tahsildar concluded from his enquiry that the appellant was corrupt. On receipt of the Tahsildar's report the proper course was for the Collector to instruct the Dist. Officer to frame charges of misbehaviour and insubordination against the appellant, to hear him and to deal finally with him.

S

7.12.32

Pp 5-9 of (Y)

5 of (Y)

I agree: the Collr's order may be cancelled & the case remitted for re-hearing in the light of these comments

A 14/8 12.32.

Suppose an R.D.O. can summon the witnesses, so, after the case is remitted to him for fresh enquiry & charges, he will do so.

Draft 15/12/32

15/12/32

To A.S.

Draft submitted.

16/12/32

17/12/32

To IA

(H) The following pages in the record of enquiry may be got translated.

(i) pp 1 - 3 (the names of the signatories are also wanted)

(ii) pp 5 - 7; 9 & 11 12; 13;

(iii) pp 15 - 17

(iv) statements at pages 41 - 60

(v) Petn's slt at p. 61.

(vi) Petn at pp 63 - 65

(vii) slts at pp 73 - 77.

These translation of the above is material to put up a note in this case

KS. M/10/32
17/10/32

To AS/AR/

Mr Gopal Rao is the only man who knows a little of Kanarese. There are a good number of pages like translated there. The Collr must have sent translations of these. He may be asked to submit translations of as early as possible

yes
18/10/32

18/10/32
AS/AR/